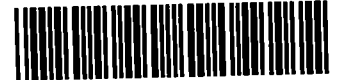




U.S. Department of Justice

United States Attorney
District of Minnesota

US EPA RECORDS CENTER REGION 5



515028

FXH:edp
80-1114

234 United States Courthouse
Minneapolis, Minnesota 55401

FTS/781-7430
612/332-8961

September 24, 1980

Ms. Melanie S. Toepfer
Environmental Scientist
United States Environmental
Protection Agency
Region V
230 South Dearborn
Chicago, IL 60604

Re: United States of America v. Reilly Tar
U.S.D.C., D. Minn., Civil No. 4-80-469

Dear Ms. Toepfer:

It is apparent from our meeting of September 17, 1980, that a wealth of information has been developed by various sources concerning the Reilly Tar site. Before any decisions are made as to the government's concentration of resources, we must be updated as to what has been done by those sources. Only then can we address the question of what more is necessary to successfully prosecute the case.

First, summaries need be prepared showing the type of information that is available from the various studies made by all sources, including the EPA, Geological Survey, PCA, St. Louis Park, and any others. These summaries should be short, but must address the question of time of and length of study, entity conducting study, purpose and scope, samples, results, conclusions, recommendations, and any other pertinent information developed. While the summaries should include all studies, more particular attention should be directed to those conducted after January 1, 1977. Where possible, supportive reports should be attached. These summaries should state in detail what samples were taken, where, when, by whom, and the results of tests made on these samples.

Second, this office must be provided with the necessary information so that we may contact the Geological Survey concerning the availability of Marc Hult as a consultant in this litigation.

Thirdly, the lists of names of the various experts to be considered for use as an epidemiologist, toxicologist, hydrogeologist and chemist should be provided for consideration by all parties.

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Ms. Melanie S. Toepfer
September 24, 1980
Page Two

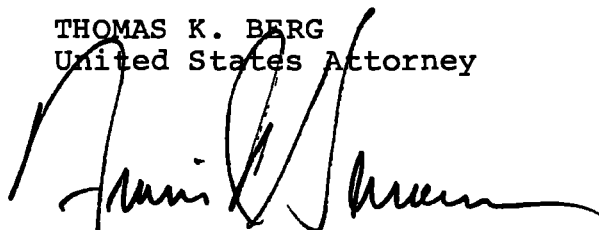
Finally, the only report that our office has received from the EPA is the February 1980 Care Development Plan prepared by Bob Leininger and James Pankanin. If any updating of that plan has been made, or any other summaries prepared, please provide us with copies.

We think it is safe to say that at this time we are not prepared to ask the Court for any preliminary relief. Whether we can make that request after we have had an opportunity to pull the pieces together remains to be seen. In any event, we must be prepared to go forward and carry our burden. In that vein, we request that the summaries be prepared by October 15, 1980.

Thank you for your cooperation and understanding.

Yours very truly,

THOMAS K. BERG
United States Attorney

A handwritten signature in black ink, appearing to read "Francis X. Hermann", is written over the typed name of the Assistant United States Attorney.

BY: FRANCIS X. HERMANN
Assistant United States Attorney

cc: Erica Dolgin
Fred Stiehl
Stephen Shakman
Robert Leininger

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